

NOTICE OF APPEAL FROM THE EXAMINER TO THE BOARD OF PATENT APPEALS AND INTERFERENCES		Docket Number (Optional) 134687NV (MHM 15085US01)																
Electronically Filed on January 14, 2009	In re Application of Peterson																	
	Application Number 10/660,825	Filed September 12, 2003																
	For System and Method for Determining the Position of a Flexible Instrument Used in a Tracking System																	
	Art Unit 3737	Examiner Mehta, Parikhas Solanki																
<p>Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the examiner.</p> <p>The fee for this Notice of Appeal is (37 CFR 41.20(b)(1)) NOTE, THE APPLICANT PREVIOUSLY SUBMITTED A NOTICE OF APPEAL ON JANUARY 21, 2008, AND PAID \$510 FOR THAT NOTICE OF APPEAL. THUS, ONLY \$30 (THE DIFFERENCE BETWEEN THE CURRENT FEE NOTICE AND THAT OF JANUARY 21, 2008) IS DUE. \$ <u>30</u></p> <p><input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Therefore, the fee shown above is reduced by half, and the resulting fee is: \$ _____</p> <p><input type="checkbox"/> A check in the amount of the fee is enclosed.</p> <p><input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.</p> <p><input checked="" type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.</p> <p><input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. <u>50-2401</u>.</p> <p><input type="checkbox"/> A petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.</p> <p>WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <table style="width: 100%;"><tr><td style="width: 60%; vertical-align: top;">I am the</td><td style="width: 40%; text-align: center;">/Joseph M. Butscher/</td></tr><tr><td><input type="checkbox"/> applicant/inventor.</td><td style="text-align: center;">Signature</td></tr><tr><td><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</td><td style="text-align: center;">Joseph M. Butscher</td></tr><tr><td></td><td style="text-align: center;">Typed or printed name</td></tr><tr><td><input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,326</u>.</td><td style="text-align: center;">312-775-8000</td></tr><tr><td></td><td style="text-align: center;">Telephone number</td></tr><tr><td><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____</td><td style="text-align: center;">January 14, 2009</td></tr><tr><td></td><td style="text-align: center;">Date</td></tr></table> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p>			I am the	/Joseph M. Butscher/	<input type="checkbox"/> applicant/inventor.	Signature	<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Joseph M. Butscher		Typed or printed name	<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,326</u> .	312-775-8000		Telephone number	<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	January 14, 2009		Date
I am the	/Joseph M. Butscher/																	
<input type="checkbox"/> applicant/inventor.	Signature																	
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)	Joseph M. Butscher																	
	Typed or printed name																	
<input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>48,326</u> .	312-775-8000																	
	Telephone number																	
<input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34. _____	January 14, 2009																	
	Date																	

☐ *Total of _____ forms are submitted.

This collection of information is required by 37 CFR 41.31. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.